

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committee on  
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**Wednesday, March 25, 2015  
9:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 80  
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
PROPOSE AND ADOPT RULES REQUIRING COMPREHENSIVE MARINE DEALER  
REPORTS TO ALLOW FOR TRACKING, COMPARISON, AND VERIFICATION  
OF MONTHLY CATCH REPORT DATA TO DETERMINE OVERALL REPORTING  
ACCURACY AND EFFECTIVE RESOURCE MANAGEMENT OF THE AQUARIUM  
FISH INDUSTRY**

House Concurrent Resolution 80 requests the Department of Land and Natural Resources ("Department") to adopt rules for marine dealer reporting to monitor the aquarium fish industry. **The Department offers the following comments.**

The Department is currently drafting an administrative rule requiring dealers to report to the Department as required under Section 189-3, Hawaii Revised Statutes. This proposed rule would apply to all dealers, not just aquarium dealers. The dealer reporting requirements would be part of a larger effort to establish dealer licenses for those businesses that trade in local marine life. The dealer license would identify those businesses that would be required to submit the dealer reports and specify other requirements. It is a high priority and the Department expects to initiate discussions with dealers later this year in preparation for the rule making process.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DAN S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 23, 2015 7:36 PM  
To: omhtestimony  
Cc: kulamist@aol.com  
Subject: Submitted testimony for HCR80 on Mar 25, 2015 09:00AM

**HCR80**

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Sugiyama	Wayne's Ocean World, Inc.	Support	No

Comments: Dear Committee Members, I am in support of HCR80, hopefully this would help to clarify any discrepancies in fish collection reports. Sincerely,. Wayne Sugiyama

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Cc: nahacky@gmail.com  
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**HCR80**

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Nahacky	Individual	Support	No

Comments: Aloha, I collect fish and have no problem with data provided being cross checked. I have filed my reports accurately over the last four decades so this is not an issue. Thank you, Tony

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To: omhtestimony  
Cc: rtubbs@hawaii.rr.com  
Subject: Submitted testimony for HCR80 on Mar 25, 2015 09:00AM  
Attachments: tESTIMONY 2015 Opposed HCR 229.docx

**HCR80**

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Tubbs	Individual	Oppose	Yes

Comments: Obviously the author of this bill did not attend the WERSPAC meeting last week with the nice hard working researchers who analyze the commercial aquarium fish catch data for DLNR and have published studies. This work is ongoing and has been done for many years. Why would we ask them to do it when it is already being done? This resolution does not make sense. Search Cassandra Pardee or Martha Maciasz who did studies on the catch reports with incredible effort. You will find their papers on the subject when you Google their studies. Do not ask DLNR to do what it is already doing it is stupid. Opposed to HCR80.

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Opposed to OMH Jud Resolutions HCR 229, HR 160, HCR 80, HCR 68

Any form of limited entry will or permit restrictions could force the state and DLNR into extensive and long lasting court litigation as it has in Alaska. This would be very costly to the state! The whole idea of forcing DLNR into to doing such a thing is a big mistake legally and ecologically. This mistake has happened before and the state of Alaska lost costly lawsuits, see links below for Alaska. Alaska had 25,000 permits not the 94 active permits Hawaii has. We do not need a limited entry program at this time.

[http://www.cfec.state.ak.us/Publications/CFEC\\_response\\_to\\_Lawson\\_Report.pdf](http://www.cfec.state.ak.us/Publications/CFEC_response_to_Lawson_Report.pdf)

[http://www.cfec.state.ak.us/Publications/CFEC\\_response\\_to\\_Lawson\\_Report.pdf](http://www.cfec.state.ak.us/Publications/CFEC_response_to_Lawson_Report.pdf)

Aquarium fish collectors in Kona and Oahu just spent the last 5 years doing two rules packages with DLNR. These resolutions have already been done. New bag limits, size limits, fish species take restrictions, net sizes, and many other laws will go into effect for Oahu as soon as the Governor signs it which may be in effect in as few as a few weeks. To ask us to sit in 5 years more of meetings and negotiations without any scientific cause or reasoning is a slap in the face to DLNR members and fishermen that have worked so hard to ensure Hawaii's fish populations and reefs are healthy for all ocean users. We are already over regulated and highly sustainable.

The Kona rules package went into effect January 2014. Their rules package includes size limits, bag limits, species limits in addition to their extensive FRA system. Populations are healthier than ever and record fish drops just occurred.

Dr. DAN A. POLHEMUS:

"So, in the grand scheme of things, the aquarium take on Maui is literally a drop in the bucket, representing less than 2% of the total mortality of reef animals that year. This serves to point out that undue focus and hyperbole about aquarium collecting and its impact on the reefs is dangerously shortsighted and counterproductive. We need to think and act holistically".

Dan Polhemus

Dr. DAN A. POLHEMUS

Division of Aquatic Resources

e-mail: [Dan.A.Polhemus@hawaii.gov](mailto:Dan.A.Polhemus@hawaii.gov)

How big of an impact is the Hawaii Aquarium Fishery?

One large shark consumes twice as much fish in weight than all the aquarium fishermen in the whole state take combined. One shark eats 20% of it's body weight per day.



If a large 800 pound tiger shark consumes 160 pounds of fish per day then one shark eats two time more fish than all aquarium fish collectors take for the whole state of Hawaii. There are hundreds of such sharks in Hawaii and tens of thousands of other smaller sharks too. Kaneohe Bay has over 10,000 Hammerheads alone.

The average reef fish taken for aquarium fish purposes weighs 1 ounce making one large shark's daily diet equal to 2560 small reef fish a day. In one year 486,000 reef fish were taken state wide by aquarium fish collectors. This helps to put the fishery into perspective. The fish we take are then saved from sharks, eels and other predators. Life on the reef results in high 90% plus DOA rates. Unlike aquarium DOA shipping rates of 1-3%!

We can also compare this to the 70 to 100 percent of total state fish catch on each Island being eating fish which results in 100% death rate.

The low overall catch and the ability of the fish to replenish the reef with their 1 to 5 million fry per spawning make recruitment of any fish taken quick. The small fish have only a 5% survival rate to adult breeding stage so taking a few of the small fish makes very little impact on overall fish populations.

Fish counts are the highest across the state as they have ever been due to a great recruitment this year. It was due to an increase in food supply for the small fish which now have increased populations dramatically state wide. We should be touting this for tourism we have great reefs with tons of fish!

We do not need these specific resolutions but more funding for DLNR is needed.

Ron Tubbs B.S. N.D.

## omhtestimony

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From: mailinglist@capitol.hawaii.gov  
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To: omhtestimony  
Cc: nahacky@ilhawaii.net  
Subject: Submitted testimony for HCR80 on Mar 25, 2015 09:00AM

### **HCR80**

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ulla Carmiencke	Individual	Support	No

Comments: Aloha, As a fish packer and collector this at least makes more sense then the other aquarium resolutions. Further this will only help with what has already been shown which is that aquarium fish catch reports are accurate. Mahalo

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Sent: Tuesday, March 24, 2015 8:43 AM  
To: omhtestimony  
Cc: kalewacat@gmail.com  
Subject: Submitted testimony for HCR86 on Mar 25, 2015 09:00AM

**HCR86**

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Millett	Individual	Oppose	No

Comments: This resolution should specifically exclude United States Coast Guard inspected vessels. Companies operating with such are already held to federal safety standards. By inserting itself into the ocean vessel safety arena, currently the federal domain, the state opens itself to liability and litigation that it currently does not assume. Additionally, DLNR Boating does not have the resources to take this very large job on and is unable to enforce much of its current rules. Is the state prepared to fund the training of somewhere between 10-100 instructors and then pay them to administer lifeguard classes to THOUSANDS of marine tourism related employees throughout the state? If not, who fills this position? This situation is already self regulating: If you are in a business like mine, boating snorkel tours, and you do not safety train and screen your crew then insurance becomes the regulator by becoming extremely expensive or completely unavailable.

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# **House Committee on Ocean, Marine Resources, & Hawaiian Affairs**

## **Testimony in Support of HCR80**

**March 25, 2015**

Committee Members,

My name is Dennis Yamaguchi and I strongly support HCR80. Rules requiring all marine aquarium fish dealers to report comprehensive monthly fish purchases is long overdue. As a fulltime diver of aquarium fish, we have been required by the State of Hawaii to file monthly catch reports since the mid 1970's. Currently, most marine dealers also file a monthly purchase report with the DLNR to compare against divers daily catch logs. Still, there may be a small number of dealers who have intentionally or unintentionally not been reporting purchases. This resolution will address the few who may not be complying with a reporting system that is supported by both fishermen and aquarium fish dealers alike.

Passing HCR80 will address the persistent but unverified rumors of dealers and/or fishermen filing false or inaccurate reports. Thank you.

Dennis Yamaguchi

omhtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 21, 2015 7:47 AM  
To: omhtestimony  
Cc: etvuong@hotmail.com  
Subject: \*Submitted testimony for HCR80 on Mar 25, 2015 09:00AM\*

**HCR80**

Submitted on: 3/21/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Support	No

Comments:

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Sent: Monday, March 23, 2015 11:48 AM  
To: omhtestimony  
Cc: tinaowens@hawaii.rr.com  
Subject: Submitted testimony for HCR80 on Mar 25, 2015 09:00AM

**HCR80**

Submitted on: 3/23/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Owens	Individual	Support	No

Comments: I strongly support this measure. Requiring that all marine life retailers submit reports will allow for consistent monitoring of catch reports and will create an invaluable tool for managing the resource.

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Rep. Kaniela Ing, Chair  
Rep. Nicole Lowen, Vice Chair  
Committee on Ocean, Marine Resources, and Hawaiian Affairs  
Wednesday, March 25, 2015

**In support of HCR 80**

I am a commercial fishermen on Oahu, with the majority of my income from saltwater aquarium fish. My livelihood depends on robust fish populations and a healthy marine environment, and I support reasonable and balanced resource management. Formalizing the marine dealer license and the reporting system is an important step to improving our understanding of our fisheries and how they should be regulated. Please pass this resolution.

Thank you for the opportunity to testify,

A handwritten signature in black ink, appearing to read 'Matthew Ross', written in a cursive style.

Matthew Ross

omhtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 24, 2015 1:04 PM  
To: omhtestimony  
Cc: rkester1@gmail.com  
Subject: \*Submitted testimony for HCR80 on Mar 25, 2015 09:00AM\*

**HCR80**

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Renee Kester	Individual	Support	No

Comments:

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Cc: tish@thepetdepothawaii.com  
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**HCR80**

Submitted on: 3/24/2015

Testimony for OMH on Mar 25, 2015 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tish Rothwell	Individual	Oppose	No

Comments: There are already rules and laws in place. Why waste more time and tax dollars recreating more laws that DLNR and fishermen have worked so hard on. Hawaii fishermen want to ensure that Hawaii's fish populations and reefs are healthy for all ocean users. Rules are currently in place for size limits, bag limits, species limits.

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